Supreme Court, U. S.
FILED
JUL 10 1975
MICHAEL RODAK, JR., CLERK

In the

Supreme Court of the United States

OCTOBER TERM 1974

No. 74- 1591

ROSEMARY WILLIAMS,

Petitioner,

vs.

C. E. (CAP) NICHOLS ET AL:

Respondent.

Supplemental Brief

Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

ROSEMARY WILLIAMS PRO SE:
1608 Gardenside Drive
Dallas, Texas 75217
Phone: AC 214 - 285-5916

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Citations

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Faretta v. California,	
No. 73 - 5772 United States Supreme Court	
June 30, 1975	**3,4. & 6.**

Statutes

28 U.S.C. 1254 (1.)	**2,5,**
28 U.S.C. 1343	**2,5.**
28 U.S.C. 1651	**2,5.**

Federal Rules Civil Procedure

F.R.C.P. RULE 60 (b.)	**2,5.**

APPENDIX

PAGE

IN THE UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT. (APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF TEXAS. NO. 74 - 3879
ROSEMARY WILLIAMS VS. C.E. (CAP) NICHOLS ET AL:
ORDER MARCH 12,1975 EXHIBIT "A." ..... A - 1.

UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT
(CERTIFY QUESTIONS TO THE SUPREME COURT)
NO. 74 - 3879, ROSEMARY WILLIAMS VS. C.E. (CAP)
NICHOLS ET AL: ORDER MAY 12,1975, EXHIBIT " B." ..... A - 2.

UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT
"PETITION FOR REVIEW" NO. 74 -3879 (MARCH 20,1975)
ROSEMARY WILLIAMS VS. C.E. (CAP) NICHOLS ET AL: .... A-3 & A-4
LETTER JAMES FLYNT (AUGUST 15,1973)..... A - 10.
Reply ROSEMARY WILLIAMS (AUGUST 17,1973)..... A-5 & A-6.
EXHIBIT " C." ..... A-3,4,5,6 & A-10.

UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT
"MOTION TO CERTIFY QUESTIONS TO THE UNITED
STATES SUPREME COURT" NO. 74 -3879 (APRIL 14,1975)
EXHIBIT " D." ..... A-7, A-8 & A- 9.

In the

SUPREME COURT of the UNITED STATES
OCTOBER TERM, 1974

No. 74 - 1591

ROSEMARY WILLIAMS PRO SE:
PETITIONER

VS.

C. E. (CAP) NICHOLS ET AL
RESPONDENT

Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

---

Supplemental Brief

OPINIONS BELOW

The district court did not render an opinion The opimion of the court of appeals is not yet reportrd but is attached hereto as Exhibit" A " and the order overuling the motion to certify Qustions to the United States Supreme Court is attached as Exhibit " B. "

JURISDICTION

The judgment of this court of appeals was entered on March 12,1975 . A motion to certify Questions to the United States Supreme Court was denied, on May 12,1975 The petition for Writ of Certiorari was filed on June 10, 1975. The jurisdiction of this court 28 U.S.C. 1254(1.), 28 U.S,C. 1343, 28 U.S.C. 1651 and Rule 60 (b.) Federal Rule Civil Procedure.

QUESTIONS PRESENTED

1. Have any Contitutional Rights of the petitioners been violated.?

2. Does the lower State District Court of Wood County Texas 115th. Jud.. District have the right to proceed with a case on appeal · District Court?

3. Does the lower State Disrict Court of Wood County, Texas 115 th. Jud.District Court have the right to (Confine) the petitioner in jail for 29 hours when the case is on appeal

4. Does the lower State District Court of Wood County, Texas 115 th. Jud.District have the right to " GARNISH " the Bank account of petitioners when the case was on appeal to a higher Court ?.

STATEMENT

The " Motion of Prohibition " was in the United States District Court and the United States Court of Appeals, Fifth Circuit Court, New Orleans, Louisiana.

This matter before the court involves motion for prohibition to prohibit Attorney James Flynt of Wood County, Texas from being a representative of Petitioner.

Defendant, Petitioner Rosemary Williams has represented herself through all of the said Courts, The lower State District Court of Wood County,Texas Sixth Jud. District Court Of Texarkana,Texas.United States District Court, Northern District of Texas, United States Court of Appeals, Fifth Circuit Court New Orleans, Louisiana.

This United States Supreme Court is the only Court where relief may be sought There has been a (New Decision) handed down in (Faretta V. California) No. 73 - 5772 June 30, 1975. To deny a person " Freedom of Choice "is to deny Petitioner her Constitutional Rights.

Attached hereto and made apart of for all

purposes is a letter to the said Attorney James Flynt to deny him the right to represent Petitioner Rosemary Williams and his reply is attached as Exhibit " C. " Motion to Certify Questions to the Supreme Court of the United STATES attached hereto as Exhibit " D."

ARGUMENT

The decision below was correct at the time of the decision there was no Conflict of Decision for " Motion for Prohibition to prohibit the Attorney James Flynt, from being a representative of petitioner Rosemary Williams.

But now there is a Conflict of decision, there has been a New case in (Faretta vCalifornia) No. 73 -5772 June 30.1975.This case was not avail- - able at the time of last filing of petition for "Writ of certiorari", This case may very well have a bearing on the " Motion for Prohibition" prohibit Attorney James Flynt from being a representative for petitioner Rosemary Williams. Petitioner Rose- - mary Williams has acted as her own lawyer in all of the courts.

The "Motion for Prohibition" was filed in

the United States District Court, Northern District of Texas. The United States Court of Appeals New Orleans, Louisiana.

Motion to Certify Questions to the United States Supreme Court Was denied May 12,1975 Exhibit " B. "

Rule 60 (b.) Federal Rule of civil pro - cedure applies here for relief from Judgment or ORDER Appendix "A-8 "

The Constitution guarntees Rights of " FreeDOM "of "CHOICE", To deny this Freedom of Choice is denying petitioners " Constitutional Rights ". The United States Courts have Jurisdiction under 28 U.S. C. 1254 (1.) 28 U.S.C. 1343, 28 U.S.C. 1651,(a.)and Rule 60 (b.) FEDERAL RULE OF CIVIL PROCEDURE (3)(6) Appendix "A-8 ."NEW CASE OF (FARETTA V. CALIFORNIA) is inconflict with the decision of the United States Court of Appeals Fifth Circuit Court, New Orleans, Louisiana.

CONCLUSION

Therefore, this petitioner respectfully requests that this court issue a Writ of Certiorari to review the judgment of the Fifth Circuit Court of

Appeals. There is a conflict of decision between the Fifth Circuit Court of Appeals and the United States Supreme Court. The relief sought is not available in any other court. The "New Decision" was handed down after the appeals court issued a opinion (Faretta V. California) No. 73 - 5772. United States Supreme Court.

Respectfully Submitted,

Rosemary Williams Pro Se:

ROSEMARY WILLIAMS PRO SE:
1608 Gardenside Drive
Dallas, Texas 75217
Phone: (214) 285-5916

CERTIFICATE OF MAILING

The undersigned hereby certifies that she has mailed on the 8 th. day of July 1975 copies Supplemental Brief Writ of Certiorari, United States mail postage prepaid to:

Attorney General of Texas
John Hill
Austin, Texas

District Attorney Henry Wade
Dallas County Government Center
Dallas, Texas 75202

Assistant District Attorney John Tolle
Dallas County Government
Dallas, Texas 75202

Edward W. Wadsworth
Clerk United States Court of Appeals
Fifth Circuit
600 Camp Street
New Orleans, Louisiana 70130

The Solicitor General
Department of Justice
Washington, D.C. 80530

Rosemary Williams Pro Se:

ROSEMARY WILLIAMS PRO SE:
1608 Gardenside Drive
Dallas, Texas 75217
Phone: (214) 285-5916

July 8, 1975

A-1 **Exhibit A.**

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

DO NOT PUBLISH

NO. 74-3879

SUMMARY CALENDAR*

ROSEMARY WILLIAMS,

Plaintiff- Appellant

- vs -

C. E. (CAP) NICHOLS,
ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas

[March 12 , 1975]

Before COLEMAN, AINSWORTH, and SIMPSON, Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.(1)

Costs are taxed against the plaintiff-appellant

* Rule 18, 5 Cir.: see Isbell Enterprises, Inc. v. Citizens Casualty Company of New York, et al., 5 Cir., 1970, 431 F.2d 409, Part I.

(1) See NLRB v. Amalgamated Clothing Workers of America, 5 Cir., 1970, 430 F.2d 966.

Issued as Mandate:

A-2 **Exhibit B.**

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS
FILED
MAY 12 '75
EDWARD W. WADSWORTH
CLERK

NO. 74-3879

ROSEMARY WILLIAMS,

Plaintiff-Appellant,

versus

C. E. (CAP) NICHOLS, ET AL.,

Defendants-Appellees.

- - - - - - - - - -

Appeal from the United States District Court for the
Northern District of Texas

- - - - - - - - - -

O R D E R : -

IT IS ORDERED that appellant's motion for stay pending appeal from this Court's order of April 28, 1975 denying her motion to certify questions to the United States Supreme Court, is DENIED

Jas. P. Coleman
UNITED STATES CIRCUIT JUDGE

 Exhibit C.

United States Court Of Appeals

For the Fifth Circuit.

Rosemary Williams	(	
	(	
Petitioner	(	"Petition for Review"
	(	
V.	(	No. 74 - 3879
	(	
C.E. (CAP) NIChols ET AL:	(	
	(	
Respondents	(	

Rosemary Williams, Petitioner hereby petitions the Court for Review of the Order of March 12,1975 issued from this court of appeals "Affirmed" the decision of the District Court of Northern District of Texas, Dallas, Division Entered on March 12, 1975 attached to and made apart of for all purposes is a letter from the said James Flynt, August 15, 1973 the same day the "Writ of Garnishment" was entered in the lower Court of Wood County, Texas "Judgment Entered on Garnishment" August 15,1973. There was a (Motion for Prohibition) made to the District Court, Northern District of Texas, and to this said court of Appeals to prohibit the said James Flynt, from participating in this said case, He was at one time the said District Attorney of Wood County,

Texas. Attached and made apart of for all purposes is the letter dated August 15,1973. James Flynt and the reply of Rosemary Williams dated August 17,1973

Wherefore, Rosemary Williams Prays the Court to Grant the "Motion for Prohibition."

Rosemary Williams Pro Se;
1608 Gardenside Dr.
Dallas, Texas 75217

CERTIFICATE OF SERVICE:

I have this day of March the 20,1975 forwarded a copy of this Petition for Review to the said Mr. Henry Wade, John Tolle, and to the Attorney General John Hill of Texas. by depositing the same in the United States Mail.

Rosemary Williams Pro Se;
1608 Gardenside dr.
Dallas, Texas 75217

March 20, 1975

March 20,1975

August 17,1973

A-5 Dallas, Texas 75217

James T. Flynt
P.o. Box 115
Mineola, Texas 75773

Yale B. Griffis
Attorney at Law
Mercantile Bank Building
Dallas, Texas 75201

In Re: Billy Bob Williams

Gentlemen;

In reference to the Letter dated August 15,1973 from Mr. Flynt concerning this case, that has been in continual litigation in the District Court of Wood County, Including several appeals and some action filed in the Federal District Court also the Fifth Circuit Court of Appeals. This is to set the records straight, Rosemary Williams has been the Legal counsel Rosemary Williams Pro Se; of all of the heretofore cases she has Legally Represented herself and Billy Bob Williams as much as it extrmely complicated as stated by Mr. Flynt.

Also in as much as neither of you gentlemen have ever represented me to my personal knowledge, This letter was to clear the records of any misunderstanding on the part of Billy Bob Williams, And to the

fact he Quit claimed all of his interest to me Rosemary williams has been the legal representative in this legal matter before the neretofore courts.

Sincerely Yours,

Rosemary Williams Pro Se:

Rosemary Williams

CC:

Court of Appeals Sixth Jud. District
Texarkana, Texas.

Supreme Court of Texas;

Exhibit D.

In The

United States Court of Appeals

For the Fiftn Circuit.

No. 74 - 3879

Rosemary Williams Plaintiff, Appellant

V.

C.E. (CAP) Nichols Et Al; Defendants, Appellees

On Appeal From the United States

District Court for the Northern

District of Texas.

"Motion to Certify Questions To

The United States Supreme Court."

To The said Honorable Justices;

Now comes Rosemary Williams, Appellant, and Files this her "Motion to Certify Questions " to the Supreme Court of the United States, and for further reasons say;

(1.)

Did the lower State District Court of Wood County, Texas.

(a.) Have the Right to proceed with the said cause No. 12,881 when the said cause was on appeal to the Supreme Court of Texas ?

(b.) Did the lower State District Court of Wood County, Texas have the right to issue a " Writ of GARNISHMENT " On my personal checking account without a hearing.? When the case was on appeal to the Supreme Court of Texas.?

(c.) Did the lower State District Court of Wood County, Texas Have the right to proceed with this case 12,881 August 24,1972, When the Mandate of the Fifth Circuit Court of Appeals "AFFIRMED " The said cause No.CA-3-5598-C on appeal from the UNITED States District Court, Northern District of Texas "Dismissed" by the Honorable Judge Wm. M. TAYLOR. MANDATE issued August 2, 1972. The Question is did the State Court have the right to issue a " Illegal Judgment" August 24,1972 and issue a "Writ of Garnishment " Judgment of $ 40,000 Dollars July 24, 1973.

(d.) Did the said Judge Looney E. Lindsey the lower State District Court have the right to

of court in this "Illegal Judgment". The said reputation of Rosemary Williams has been damaged, for these heretofore reasons, Appellant was also (fined) $100.00 Dollars paid to the Attorney M.D. Carlock. Rosemary Williams . Appellant has suffered in her " PROPERTY INTEREST " and " LIBERTY INTEREST".

(e.) Did the said Attorney James Flynt have a right to proceed in this case on appeal when the " Motion for Prohibition " had been filed.

Wherefore, Premises Considered Rosemary Williams Appellant, Prays the court to certify these Questions to the Supreme Court of the United States if the lower District CourtState Court of Wood County Texas had the right to issue a "Illegal Judgment" in Cause 12,881,That was dismissed by Judge Wm. M.Taylor "Appealed" and Affirmed by the Fifth Circuit Court of Appeals Mandate issued August 2, 1972 from this Judgment issued a "Writ of Garnishment" ?

Appellant Further Prays that these Questions will be certified to the United States Supreme Court.

Rosemary Williams Pro Se

Rosemary Williams Pro Se;
1608 Gardenside Dr.
Dallas, Texas 75217

HARTSFIELD, FLYNT AND PICKETT
ATTORNEYS AND COUNSELORS

POST OFFICE BOX ONE HUNDRED FIFTEEN · MINEOLA, TEXAS 75773 · 214 / 569-2722
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CABLE "LAWOOD"

JAMES L. HARTSFIELD
JAMES T. FLYNT
JAMES D. PICKETT

EXECUTIVE SECRETARY
DOROTHY CAIN

August the Fifteenth
1 9 7 3

Mr. Yale B. Griffis
Attorney at Law
Mercantile Bank Building
Dallas, Texas 75201

In Re: Billy Bob Williams and Rosemary Williams

Dear Yale:

I appreciate you thinking of me in this matter, but the subject of same has been of continual litigation in the district court of this county, including several appeals to the court of civil appeals and some action filed in the federal district court of the fifth circuit court of appeals and is extremely complicated.

Since your letter I have had a letter from Mrs. Rosemary Williams and I wish to honor her wishes that I cannot participate in this matter.

Best personal wishes.

Sincerely,

James T. Flynt

James T. Flynt

dc

cc: ✓Mrs. Rosemary Williams

For Your Information

DICTATED
BUT NOT READ